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September 2, 2020

VIA ECF

United States District Court
Southern District of New York
Attn: Hon. Katherine Polk Failla, U.S.D.J.
40 Foley Square, Courtroom 618
New York, NY 10007-1312

MEMO ENDORSED

Re: Martinez-Cruz, *et ano.* v. York Bagels Inc., *et al.*
Case No: 1:20-cv-4084 (KPF) (SN)
MLLG File No.: 168-2020

Dear Judge Failla:

This firm represents the Defendants in the above-referenced case. Defendants write to respectfully request an extension of time until September 25, 2020 to respond to the complaint.

In accordance with ¶ 1(2)(D) of this Court's Individual Rules of Practice in Civil Cases: (i) the original deadline to respond to the complaint is currently August 17, 2020; (ii-iii) there have been no previous requests for an extension of time to respond to the complaint; (iv) the reason for the request is because your undersigned was unable to timely respond to the complaint because he contracted COVID on Friday, August 14, 2020, was required to quarantine at home, and only returned to the office on Monday, August 31, 2020 and, further, because a mediation is scheduled in this case on September 15, 2020 and Defendants wish to avoid incurring the legal costs in filing an answer in the event the parties reach a settlement; and (v) the adversary consents to this request.

In light of the foregoing, Defendants respectfully submit that both good cause and excusable neglect exists warranting that this Court grant the requested extension. See Fed. R. Civ. P. 6(b)(1)(B).

Defendants further respectfully submit that the requested extension satisfies the letter and spirit of Rule 1 of the Federal Rules of Civil Procedure, which requires that the Rules should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding. See Fed. R. Civ. P. 1 (emphasis added).

Defendants thank this honorable Court for its time, attention, and anticipated courtesies in this case.

Dated: Lake Success, New York
September 2, 2020

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

/s/ Emanuel Kataev, Esq.

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United States District Court
Southern District of New York
Attn: Hon. Sarah Netburn, U.S.M.J.
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Application GRANTED. The Court is pleased to hear that counsel has recovered from COVID-19 and wishes all parties and counsel good health.

Dated: September 2, 2020
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE